

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

IRMON C. WILLIAMS,

Plaintiff,

v.

Case No. 2:08-cv-285
HON. R. ALLAN EDGAR

JENNIFER GRANHOLM, et al.,

Defendants.

_____ /

REPORT AND RECOMMENDATION

Judgment was entered in this matter on May 14, 2012, dismissing plaintiff's complaint for failure to prosecute. On December 12, 2013, the Sixth Circuit vacated this Court's judgment and remanded the case for further proceedings. On January 31, 2014, this Court issued an Order to Show Cause, which stated in part:

A review of the Michigan Department of Corrections Offender Tracking Information System establishes that plaintiff was discharged from incarceration on May 30, 2013. *See* <http://mdocweb.state.mi.us/-otis2/otis2profile.aspx?mdocNumber=317017>. Plaintiff has failed to notify this Court of his present address. This Court's Case Management Order (Docket #62), issued August 18, 2011, states:

12. If, at any time, plaintiff's address changes, plaintiff must notify the Court within ten (10) days of his/her new mailing address. Failure to do so will result in the dismissal of plaintiff's case for want of prosecution. *See* Fed. R. Civ. P. 41(b) and W.D. Mich. LCivR 41.

Accordingly,

IT IS ORDERED that plaintiff shall show cause, within 14 days of the date of this order, why this case should not be dismissed, pursuant to Fed. R. Civ. P. 41(b) and W.D. Mich. LCivR 41, for failure to prosecute.

See Order to Show Cause, Docket #103.

On February 13, 2014, plaintiff's copy of the Order to Show Cause was returned, marked "Paroled; No Forwarding Address." On March 28, 2014, this Court issued an order setting the matter for a Show Cause Hearing on April 17, 2014, at 10:30 a.m.¹ Plaintiff was ordered to attend the hearing in person and be prepared to show cause why this case should not be dismissed for failure to prosecute. Plaintiff was warned that failure to attend the hearing would result in dismissal of this case for failure to prosecute. *See* Fed. R. Civ. P. 41(b); *Catz v. Chalker*, 142 F.3d 279, 286 (6th Cir. 1998); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991); *Buck v. U.S. Dept. of Agriculture*, 960 F.2d 603 (6th Cir. 1992).

A show cause hearing was conducted by the undersigned on April 17, 2014. Counsel for defendants attended the hearing by telephone. Plaintiff failed to appear for the hearing. Plaintiff has failed to provide this Court with his current address in writing and has failed to file any other pleadings in this matter since the Sixth Circuit's order of remand dated December 12, 2013. Accordingly, it is recommended that plaintiff's complaint be DISMISSED for failure to prosecute.

NOTICE TO PARTIES: Objections to this Report and Recommendation must be served on opposing parties and filed with the Clerk of the Court within 14 days of receipt of this Report and Recommendation. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); W.D. Mich. LCivR 72.3(b). Failure to file timely objections constitutes a waiver of any further right to appeal. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). *See also Thomas v. Arn*, 474 U.S. 140 (1985).

Dated: April 24, 2014

/s/ Timothy P. Greeley
TIMOTHY P. GREELEY
UNITED STATES MAGISTRATE JUDGE

¹On February 6, 2014, an individual purporting to be plaintiff telephoned the Clerk's Office in Marquette, Michigan, and stated that his new address was 6508 Hillandale Dr., Norcross, GA 30092. The individual was advised that plaintiff must provide this Court with his new address in writing, and that the Court record could not be updated until plaintiff provided written notice of his new address. A copy of this Court's January 13, 2014, Order to Show Cause, and March 28, 2014, Order Setting Show Cause Hearing, were mailed to plaintiff at that address.